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Supreme Court of the United States

OCTOBER TERM, 1942.

No. 676

MARK K. FRANK,

Petitioner,

v.

LEON HENDERSON, Price Administrator,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES EMERGENCY COURT OF APPEALS AND BRIEF IN SUPPORT THEREOF.

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THE COURT PRESS, N. Y. C.

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MARK K. FRANK,

Petitioner,

v.

LEON HENDERSON, Price Administrator,

Respondent.

Petition for Writ of Certiorari.

To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

The undersigned, on behalf of M. K. Frank, your petitioner, respectfully pray for a writ of certiorari to the United States Emergency Court of Appeals to review the determination of that Court entered in the above case on December 29th, 1942 dismissing the complaint of your petitioner made in protest against Revised Price Schedule No. 46 issued pursuant to Section 206 of the Emergency Price Control Act of 1942 (Pub. L. No. 421, 77th Cong., 2d Sess.).

Statement.

The United States Emergency Court of Appeals rendered a per curiam opinion (pp. 52, 53, Rec.) dismissing the complaint because it failed to conform to the statutes governing protests under the said Act.

In August 1941 your petitioner was requested by the Office of Price Administration to supply certain information with respect to prices for the years 1937-1941 inclusive for relaying rail. On December 2nd, 1941 Price Schedule No. 46 was issued by the Office of the Price Administrator and after the passage of the Emergency Price Control Act of 1942 (January 30th, 1942) said Price Schedule No. 46 was reissued on February 11th, 1942 as Revised Price Schedule No. 46 effective as of the latter date under Section 206 of the Emergency Price Control Act of 1942.

Under Section 203(a) of the Emergency Price Control Act of 1942 one subject to any price schedule or regulation (your petitioner was and is subject to Revised Price Schedule No. 46) might, within sixty (60) days after its issuance, file a protest setting forth objections thereto. A certain document dated April 1st, 1942 (within sixty (60) days after issuance of Revised Price Schedule No. 46 on February 11th, 1942) which incorporates therein, by reference, matter contained in documents, Exhibit "B" (pp. 3-13 incl., Rec.), Exhibit "C" (pp. 14-29, incl., Rec.), Exhibit "D" (pp. 30-31, Rec.) and Exhibit "E" (pp. 32-36 incl., Rec.) was mailed to the Office of Price Administration by your petitioner's manager of the Pittsburgh Office (pp. 37, 38, 39, Rec.). No action was taken on said protest until action was instituted in the United States District Court for the Western District of Pennsylvania for production of the books and records of your petitioner. This action was the first intimation by the Office of Price Administration that the protest was rejected.

It is this document, Exhibit "F", with its references to other documents which your petitioner contends is a protest under the said Act and which protest should be determined on its merits.

Jurisdiction.

1. The jurisdiction of this Court rests on Section 204(d) of the Emergency Price Control Act of 1942.

2. The decision of the United States Emergency Court of Appeals was entered on December 29th, 1942 (pp. 52, 53, Rec.).

The Questions Presented.

The questions presented are:

(1) Whether Exhibit "F", a document dated April 1st, 1942 (pp. 37, 38, 39, Rec.) is a valid protest against Revised Price Schedule No. 46.

(2) Whether the United States Emergency Court of Appeals should have dismissed the complaint of your petitioner.

Reasons for Granting the Writ.

The Federal Rules of Civil Procedure Section 8(f) provide that "all pleadings should be construed as to do substantial justice". It may well be admitted that the protest filed by your petitioner does not conform *in all essentials* to the requirements of the procedural regulations issued pursuant to the said Act, but "to do substantial justice" the writ should be granted to determine this protest.

WHEREFORE it is respectfully submitted that this petition for writ of certiorari to review the decision of the United States Emergency Court of Appeals should be granted.

Dated, January 28th, 1943.

FRANK R. S. KAPLAN,
DAVID ROTH,
of Pittsburgh, Pa.

HERBERT M. KARP,
of New York, N. Y.
Attorneys for Petitioner.

PETITIONER'S

BRIEF

BRIEF FOR PETITIONER IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI.

Opinion Below.

The opinion of the United States Emergency Court of Appeals is unreported.

Statement.

The relevant record facts and the facts with regard to the jurisdiction of this Court are both stated in the petition.

Specification of Errors.

The errors which petitioner will urge if the writ of certiorari is allowed are that the United States Emergency Court of Appeals erred

(1) In that it decided that the document, dated April 1st, 1942, Exhibit "F", (pp. 37, 38, 39, Rec.) filed with the Office of Price Administration was not a protest against Revised Price Schedule No. 46 under the Emergency Price Control Act of 1942.

(2) In that the United States Emergency Court of Appeals granted the motion to dismiss the complaint of your petitioner.

Summary of Argument.

The decision of the United States Emergency Court of Appeals dismissing the complaint does not do substantial justice.

Argument.

Although price control as a means of preventing inflation was the law of this Country before, the provisions of the Emergency Price Control Act of 1942, the procedural regulations issued pursuant thereto and the establishment of the United States Emergency Court of Appeals is, in some sense, novel. There is no issue with price control, as an instrument to accomplish the desired end,—as a fact, your petitioner believes in and favors price control in the present emergency. However, it is obvious that the filing of the protest by petitioner signifies a decided disagreement with the provisions of Revised Price Schedule No. 46.

It is not the purview of this brief to dwell on the provisions of Revised Price Schedule No. 46 except that it should be brought to this Court's attention that the said Price Schedule is confiscatory and arbitrary and in direct conflict to the reasons and theory propounded during the Congressional Hearings, both in the House of Representatives and the Senate, for the passage of the said Act.

The very basis of the protest of your petitioner is that Revised Price Schedule No. 46 does not conform to nor were the factors set forth in Section 2 of the Emergency Price Control Act of 1942 considered in establishing ceiling prices for relaying rail. This objection to the said price schedule is clearly stated in the protest (pp. 37, 38, 39, Rec.):

> "Therefore, not being the result of the sort of consideration of factors in the Act that were selected after painful and efficient study * * *"

which protest incorporates therein certain documents, to wit: Exhibit "B" (pp 3-13 incl., Rec.), Exhibit "C" (pp.

14-29 incl., Rec.), Exhibit "D" (pp. 30, 31, Rec.) and Exhibit "E" (pp. 32-36 incl., Rec.), all of which, taken as one document by incorporation, constitute a protest under the said Act.

Your petitioner respectfully urges that his protest is sufficient for the purpose of the granting of this writ of certiorari and that the said decision of the United States Emergency Court of Appeals should be reversed. The right of judicial review of the denial of a protest is, apparently, limited and the failure to secure this writ will deny to your petitioner his basic right to have determined by this Court whether the Office of Price Administration acted in accordance with the provisions of the said Act in promulgating a price schedule which has resulted in all but the extermination of a business essential to this Country in the present emergency.

The Office of Price Administration had actual notice of the contents of your petitioner's express objection to the said price schedule and their failure to act thereon would seem to be a denial of the privileges of a citizen of this Country. Therefore, it is respectfully submitted that the correct motion which should have been directed against the complaint was one for a more definite statement under Rule 12(e) F.R.C.P.

It is respectfully submitted that since this Court prescribed the Rules of Civil Procedure pursuant to the Act of June 19th, 1934, chapter 651 (48 Stat. 1064) that a writ of certiorari issue so that your petitioner may have the right to establish his protest. It is furthermore respectfully submitted to this Court that its discretion should be exercised in the instant case due to the effect, generally, of any price schedule upon the economy of the United States at this time.

CONCLUSION.

For the reasons heretofore assigned, it is respectfully submitted that this case is one which justifies the issuance of a writ of certiorari.

Respectfully submitted,

FRANK R. S. KAPLAN,
DAVID ROTH,
of Pittsburgh, Pa.

HERBERT M. KARP,
of New York, N. Y.
Attorneys for Petitioner.

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CITATIONS

Case:

Galban Lobo Company, S. A. v. *Henderson* (No. 2, decided September 30, 1942, certiorari denied, December 14, 1942, No. 498) 2

Statute:

Emergency Price Control Act of 1942, as amended (Pub. L. 421, 729, 77th Cong., 2d Sess.):

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Miscellaneous:

Procedural Regulation No. 1 (7 F. R. 971, February 13, 1942. Published as Title 32, Chapter XI, Part 1300, Sections 1300.01 to 1300.56, inclusive) 4, 8, 14

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In the Supreme Court of the United States

OCTOBER TERM, 1942

No. 676

MARK K. FRANK, PETITIONER

v.

LEON HENDERSON, PRICE ADMINISTRATOR

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES EMERGENCY COURT OF APPEALS

BRIEF FOR THE RESPONDENT IN OPPOSITION

OPINION BELOW

The opinion of the United States Emergency Court of Appeals (R. 52–53) is not yet reported.

JURISDICTION

The judgment of the United States Emergency Court of Appeals was entered December 29, 1942 (R. 54). The petition for a writ of certiorari was filed January 28, 1943. Jurisdiction of this Court is invoked under Section 204 (d) of the Emergency Price Control Act of 1942, as amended (herein sometimes termed "the Act").

QUESTION PRESENTED

Whether petitioner's correspondence with the Office of Price Administration constitutes a protest, within the meaning of Section 203 (a) of the Act.

STATUTE AND REGULATION INVOLVED

The pertinent provisions of the Emergency Price Control Act of 1942, as amended, and Procedural Regulation No. 1, appear in the Appendix, *infra,* pp. 10–16.

STATEMENT

On February 11, 1942, Revised Price Schedule No. 46—Relaying Rail became effective pursuant to Section 206 of the Emergency Price Control Act of 1942. On October 21, 1942, the petitioner, a person subject to Revised Price Schedule No. 46, filed a complaint with the United States Emergency Court of Appeals praying that Revised Price Schedule No. 46 be set aside. In his complaint, petitioner referred to a telegram, dated September 12, 1941, from the Office of Price Administration to petitioner (R. 3) and five letters from petitioner to the Office of Price Administration (R. 3–39), as constituting his protest or protests. The petitioner's letters were dated, respectively, September 16, 1941, November 6, 1941, December 5, 1941, February 5, 1942, and April 1, 1942. The court dismissed the complaint, holding, in accordance with *Galban Lobo Company, S. A.* v. *Henderson* (No. 2,

decided September 30, 1942, certiorari denied December 14, 1942, No. 498), that of these documents, only petitioner's letter of April 1, 1942, could possibly constitute a protest against Revised Price Schedule No. 46, and that that letter failed to comply with the requirements of Section 203 (a) of the Act governing the content of a protest.

ARGUMENT

Section 204 (d) of the Act vests in the Emergency Court of Appeals (and in this Court upon review of judgments and orders of the Emergency Court of Appeals) exclusive jurisdiction to determine the validity of any price schedule "effective in accordance with the provisions of section 206." Pursuant to Section 204 (a) the jurisdiction of the Emergency Court of Appeals may be invoked only after the Administrator's denial, in whole or in part, of a protest filed in accordance with Section 203 (a). Accordingly the court below correctly dismissed the complaint if petitioner's representations to the Price Administrator did not constitute a protest under Section 203 (a). We submit that the court below correctly held that complainant had not filed a protest under the Act.

Section 203 (a) of the Act provides that within a period of sixty days after the effective date of a price schedule effective under Section 206, "any person subject to any provision of such * * * price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest

specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections".[1] The obvious purpose of requiring a protest to contain specific objections is to enable the Administrator intelligently to reconsider the challenged provisions.

Furthermore, the requirement that specific objections be stated in a protest is an integral part of the statutory pattern of protest and review of price regulations and schedules. Section 203 of the Act provides the administrative remedy which a person subject to a price schedule must exhaust before he may obtain judicial review of the validity of that schedule. But the requirement, that the possibility of relief through the protest procedure be exhausted before resort to the Emergency Court of Appeals, becomes meaningless unless protestants are required to give to the Administrator adequate notice of the respects in which the price schedule is challenged, as well as to present to the Administrator the evidence supporting such objections. Even if Section 203 (a) did not expressly require a pro-

[1] On February 12, 1942, immediately upon taking office, the Administrator issued Procedural Regulation No. 1, Rules 11, 12, 13, and 14 of which govern the filing, form, and content of protests. Rule 14 (c) required every protest to set forth "A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered" (Rules 11, 12, 13, and 14 are set forth in the Appendix, *infra*, p. 14).

test to set forth specific objections, such a requirement would have to be implied from the provision of Section 204 (a) that "no objection to such * * * price schedule, and no evidence in support of any objections thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript."[2]

Tested by those requirements, it is clear that petitioner's letter of April 1, 1942, did not constitute a protest. As the Emergency Court of Appeals stated, the letter "appears to be an answer to inquiries directed to the complainant by the Office of Price Administration concerning the price at which complainant had consummated several business transactions" (R. 53). No specific objections to the schedule are stated in the letter. At most, and then only incidentally, it alleges generally that the Administrator in making Revised Price Schedule No. 46 effective under the Act, failed to comply with the standards set forth

[2] In the context of this statutory scheme for review of price schedules, there is no merit to petitioner's contention that his complaint was subject only to a motion for more definite statement, rather than to a motion to dismiss. Clearly, no particularization of objections in the Emergency Court of Appeals will satisfy the statutory requirement that the administrative remedy be exhausted by presenting specific objections and the supporting evidence in the protest proceeding, before review by the Emergency Court of Appeals can be sought.

in Section 2 of the Act to guide him in establishing maximum prices. But the standards of Section 2 are several: the maximum prices established by the Administrator must be such prices as will be generally fair and equitable and effectuate the purposes of the Act; and in establishing maximum prices the Administrator must, so far as practicable ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941, and make adjustments for relevant factors which he may determine and deem to be of general applicability. Petitioner's letter of April 1, 1942, in no way specifies in what respects the Administrator has failed to comply with any of these standards. In the absence of articulate objections, the Administrator was unable to, and properly did not, consider petitioner's representations as a protest.

Moreover, in another respect the letter of April 1, 1942, fails to comply with the requirements for a protest. Pursuant to Section 203 (a), the Administrator has adopted Procedural Regulation No. 1, governing the filing, form, and content of protests. The reason for thus requiring protests to consist of a more or less formal statement is obvious. The Administrator receives thousands of letters containing suggestions and criticisms with respect to price schedules and regulations. Section 203 of the Act imposes specific obligations upon the Administrator when a protest is filed:

he must take action with respect to the protest within thirty days after the filing of the protest or ninety days after issuance of the regulation (in the case of a price schedule, within ninety days after the effective date thereof pursuant to Section 206) whichever occurs later; if the protest is to be denied, he must "inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice".[3] He cannot assume that every such letter is intended to initiate a formal protest proceeding leading to review by the Emergency Court of Appeals and by this Court. Accordingly, it is an administrative necessity that documents intended as protests should at least purport to comply with the requirements of the Procedural Regulation. The letter of April 1, 1942, did not conform in the slightest degree to the provisions of the Regulation. On its face, it did not purport to be an exercise of petitioner's statutory right to file a protest. In fact, the filing of the complaint in the Emergency Court of Appeals was the first intimation to the Administrator that petitioner considered his letter of April

[3] The volume of protests and correspondence received by the Administrator has necessitated the establishment of a formal system for docketing protests as such, for developing a formal factual record, and for disposing of protests within the statutory period.

1, 1942, to be a protest. Under these circumstances, the court below was clearly correct in holding that this letter did not satisfy the requirements for a protest under the statute and the Procedural Regulation.

Petitioner's complaint suggests that he regarded each of his letters as a separate protest. The court below so construed the complaint, and accordingly dismissed from consideration the letters written before the effective date of Revised Price Schedule No. 46. However, petitioner now contends that his letter of April 1, 1942, incorporated his prior correspondence and that, viewed as a whole, the entire series of letters, beginning on September 16, 1941, constituted a single "protest" to the price schedule. We submit that even if the earlier letters are considered along with the letter of April 1, 1942, as a single purported protest, the requirements of the Act and the Procedural Regulation are not met. As we have pointed out above, Section 203 (a) of the Act and the Procedural Regulation adopted thereunder are partly designed to relieve the Administrator of the unreasonable burden of spelling out from discursive correspondence possible objections to a price regulation or schedule. Nowhere in this correspondence are petitioner's objections set forth with sufficient specificity to advise the Administrator of the respects in which Revised Price Schedule No. 46 was challenged. Indeed,

even in his complaint in the Emergency Court of Appeals petitioner did not articulate any specific objections to the price schedule. Accordingly, even taken together, petitioner's letters did not constitute a protest under Section 203 (a) of the Act and the Procedural Regulation.

CONCLUSION

The decision below is correct and does not warrant further review. The petition should therefore be denied.

Respectfully submitted.

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Solicitor General.

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FEBRUARY 1943.

APPENDIX

Pertinent provisions of the Emergency Price Control Act of 1942, as amended (Pub. L. 421, 729, 77th Cong., 2d Sess.)

SEC. 2. (a) Whenever in the judgment of the Price Administrator (provided for in section 201) the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act, he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Spec-

ulative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941. * * *

* * * * *

SEC. 203. (a) Within a period of sixty days after the issuance of any regulation or order under section 2, or in the case of a price schedule, within a period of sixty days after the effective date thereof specified in section 206, any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. At any time after the expiration of such sixty days any persons subject to any provision of such regulation, order, or price schedule may file such a protest based solely on grounds arising after the expiration of such sixty days. Statements in support of any such regulation, order, or price schedule may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the Administrator. Within a reasonable time after the filing of any protest under this subsection, but in no event more than thirty days after such filing or ninety days after the issuance of the regulation or order (or in the case of a price schedule, ninety days after the effective date thereof specified in section 206) in respect of which the protest is filed, whichever occurs later, the Administrator shall either grant or deny such protest in whole or in part,

notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

* * * * *

SEC. 204. (a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the Administrator, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the Administrator has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation, order, or price schedule, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided,* That the regulation, order, or price schedule may be modified or rescinded by the Administrator at any time notwithstanding the pendency of such complaint. No objection to such regulation, order, or price schedule, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the com-

plainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the Administrator and not admitted, or which could not reasonably have been offered to the Administrator or included by the Administrator in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the Administrator. The Administrator shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation, order, or price schedule as a result thereof; except that on request by the Administrator, any such evidence shall be presented directly to the court.

* * * * *

(d) Within thirty days after entry of a judgment or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a circuit court of appeals as provided in section 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 347). The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any regulation

or order issued under section 2, of any price schedule effective in accordance with the provisions of section 206, and of any provision of any such regulation, order, or price schedule. * * *

* * * * *

SEC. 206. Any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to the date upon which the Administrator provided for by section 201 of this Act takes office, shall, from such date, have the same effect as if issued under section 2 of this Act until such price schedule is superseded by action taken pursuant to such section 2. Such price schedules shall be consistent with the standards contained in section 2 and the limitations contained in section 3 of this Act, and shall be subject to protest and review as provided in section 203 and section 204 of this Act. All such price schedules shall be reprinted in the Federal Register within ten days after the date upon which such Administrator takes office.

Pertinent provisions of Procedural Regulation No. 1 (7 F. R. 971, February 13, 1942. Published as Title 32, Chapter XI, Part 1300, Sections 1300.01 to 1300.56, inclusive)

Pursuant to the authority of section 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following Rules are hereby prescribed for the issuance, protest and amendment of maximum price regulations, price schedules, and temporary maximum price regulations, and for ad-

justment or exception pursuant thereto and interpretation thereof:

* * * * *

Rule 11. *Time and place for filing protests.*—Any protest against a provision of a maximum price regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of 60 days after the date of issuance of such regulation, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely upon grounds arising after the expiration of 60 days after the date of issuance of a maximum price regulation may be filed at any time after the grounds for such protest arise.

Rule 12. *Form of protest.*—Every protest shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation against a provision of which the protest is made. One original and four copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single spaced and indented.

Rule 13. *Assignment of docket number.*—Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the number and date of issuance of the maximum price regulation protested.

Rule 14. *Contents of protest.*—Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the maximum price regulation protested.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum price regulation, the specific changes which he seeks to have made in the provision.

(f) In cases where the protest is filed on grounds arising after the expiration of 60 days after the issuance of the maximum price regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement, signed and sworn to by the protestant personally, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information, and belief. The protestant shall specify which of the facts alleged are known to him to be true and which are alleged on information and belief.

U. S. GOVERNMENT PRINTING OFFICE: 1943